

The DWI Fast Track Program- Six Years Later
By: Chief Judge Lucy Wieland

In the summer of 2000, the Hennepin District Court instituted a program to expedite the resolution of alcohol-related traffic offenses, now known as the Fast Track DWI program. The goal of the program was to expedite the education and treatment of alcohol offenders and enhance public safety by promptly resolving DWI cases. This goal was to be accomplished by scheduling every DWI case for trial within 45 days of the first appearance. A secondary goal was to conserve court resources by scheduling implied consent hearings after resolution of the criminal case. (An implied consent hearing is the challenge to the driver's license revocation that occurs after a driver tests over the legal limit for alcohol or refuses a test.) The rationale for this part of the program was that resolution of the criminal case resolves the majority of implied consent petitions without the need for a hearing.

This program has been adjusted in minor ways over the last few years as statutes and court cases have necessitated change. Currently, the program operates as follows. At the time of the first appearance on the DWI charge, a jury trial is scheduled within 45 days, and a pretrial conference is scheduled before the trial date. All discovery must be completed before the pretrial conference. Upon the filing of the implied consent petition, if no criminal case has been filed within 30 days, the petition is scheduled for hearing as soon as practicable. Where there is a companion criminal case pending, the attorney for the petitioner is advised that, upon request, there will be a stay of the petitioner's driver's license revocation, pending resolution of the criminal case and the implied consent hearing. Upon resolution of the criminal case, a petitioner may waive the hearing or may schedule a hearing as soon as practicable.

A review of the case statistics demonstrates that the program is still meeting its original goals. In 2005, the Hennepin District Court resolved 6,823 non-felony DWI cases. For these DWI cases, the median time from the first court appearance to final disposition of the case was 25 days. The median time from the date of offense to final disposition was 35 days. This prompt justice system response to a DWI offense has been shown to be an effective tool in reducing repeat DWI offenses.

We also reviewed the implied consent petitions resolved in 2005. There were 1,511 petitions filed during 2005 and 1,540 petitions actually resolved during the year. Of the 1,540 disposed petitions, 1,117 of them were dismissed, stricken or settled. Only 27% of the petitions were actually litigated. The information system in the civil area does not currently give us information on the average time to disposition, so we did a hand count of all petitions filed in May, 2006, to determine the length of time to disposition. There were 150 implied consent petitions filed in May, 2006. Of these, 130 or 86.6% were resolved by the end of August, 2006. The average time to disposition of those petitions was 60.8 days, and the median was 59 days. There were 20 implied consent cases still pending at the end of August. In eight of those cases, the criminal case had been resolved, but the final order in the implied consent case had not been issued or the implied consent hearing date had been continued by the parties. In 12 of the cases, the criminal case was still pending, generally because the criminal trial had been continued.

In sum, the goals of the Fast Track DWI program in the Hennepin District Court continue to be met after six years of operation. As the litigants and the attorneys have adjusted to the program, the court has been successful in advancing the goal of public safety by a prompt response to DWI offenders and has conserved judicial resources while also protecting the due process rights of the drivers.